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DONALD THORN

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SANTA ROSA DIVISION**

In re: Case No.: 13-10923-AJ-7

Javier Augusto and Heidi Erica Alvarez A.P. No.: 13-01103

Debtors./

Donald Thorn

Plaintiff,

v.

Javier Augusto and Heidi Erica Alvarez

Defendants./

**PROPOSED ORDER GRANTING  
PLAINTIFF DONALD THORN'S  
MOTION FOR SUMMARY JUDGMENT**

**Date: April 4, 2014**

**Time: 9:00 a.m.**

**Place: 99 South E Street  
Santa Rosa, California**

**A.P. Filed: August 6, 2013**

**Trial Date: September 17, 2014**

**Judge: Alan Jaroslovsky**

On April 4, 2014, plaintiff Donald Thorn's motion for summary judgment against defendants, Javier Augusto Alvarez and Heidi Erica Alvarez came on regularly for hearing at 9:00 a.m. before the Honorable Alan Jaroslovsky, judge of the United States Bankruptcy Court located at 99 South E Street, Santa Rosa, California.

Appearing for plaintiff Donald Thorn was Edward McCutchan of Sunderland | McCutchan, LLP and for defendants Javier Augusto Alvarez and Heidi Erica Alvarez was Byron

1 Nelson of the Law Office of Carl Combs.

2 After review of all pleadings concerning this April 4, 2014 motion for summary  
3 judgment, the court's file and following oral argument, the court made the following order and  
4 decree.  
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6 IT IS HEREBY ORDERED that plaintiff Donald Thorn's summary judgment motion is  
7 granted. The June 22, 2012 Judgment and the October 10, 2012 Amended Judgment in Sonoma  
8 County Superior Court, case number SCV-246825 for \$69,442.94 entered against defendants  
9 Javier Augusto Alvarez and Heidi Erica Alvarez is not dischargeable in bankruptcy under 11  
10 U.S.C. § 523(a)(6) by virtue of the award of attorney's fees under California's Uniform Trade  
11 Secrets Act, California Civil Code § 3426.4 and In re Lopez (2007) 367 B.R. 99.  
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13 Plaintiff's counsel is to prepare a judgment of non-dischargeability in favor of plaintiff  
14 Donald Thorn and against defendants Javier Augusto Alvarez and Heidi Erica Alvarez under 11  
15 U.S.C. § 523(a)(6) by virtue of California Civil Code § 3426.4 and In re Lopez, supra.  
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18 \*\* END OF ORDER \*\*  
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